

MEMORANDUM

TO: Members, Clark Fork Basin Water Management Task Force (Task Force)
FROM: Gerald Mueller
SUBJECT: Summary of the September 8, 2008 Task Force Meeting
DATE: September 22, 2008

Participants

The following people participated in the Task Force meeting:

Task Force Members:

Nate Hall	Avista
Fred Lurie	Blackfoot Challenge
Ted Williams	Flathead Lakers
Marc Spratt	Flathead Conservation District/Flathead Chamber of Commerce
Harvey Hackett	Bitterroot
Gail Patton	Sanders County Commission
Arvid "Butch" Hiller	Mountain Water Company

Ex Officio Members

Senator Verdell Jackson	Senate District 5
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Public

Brianna Randall	Clark Fork Coalition
David Shively	University of Montana Department of Geography
Andy Fisher	UM student

Staff:

Gerald Mueller	Consensus Associates
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Meeting Agenda

- Updates
 - Task Force membership
 - Task Force letter to Governor Schweitzer regarding extending the Reserved Water Rights Compact Commission
 - Hungry Horse water activities
 - Prior Appropriation paper printing
 - Value of Water Study
 - August 12 & 13, 2008 Water Policy Interim Committee meeting
- FY 2009 Conference Planning
- *Low Flows, Hot Trout: Climate Change in the Clark Fork Watershed*
- Task Force Work Plan
- Public Comment
- Next Meeting

Updates

Membership - Gerald Mueller reported that he had spoken with John Tubbs and Rich Moy regarding the appointments. Mr. Moy drafted letters of appointment of Brianna Randall and George Culpepper, Jr., for Mary Sexton's signature. Apparently the letters have not yet been signed and mailed. Also, in August, Mr. Mueller emailed Michael Lien, President of the

Montana Association of Well, and asked if the Association had considered recommending one of its members for service on the Task Force. Mr. Lien had not replied as of this meeting date.

Extension of the Reserved Water Rights Compact Commission - Mr. Mueller reported that Hal Harper, the Governor's Chief Policy Advisor, called him in response to the Task Force letter to Governor Schweitzer asking that the Compact Commission be extended. Mr. Harper said that the Governor continues to believe that an agreement on a compact is possible by the next legislative session and therefore, he does not see the need for an extension at present. However, if an agreement is not reached prior to the next legislative session but progress is being made, Mr. Harper does not see a problem with addressing the concerns of the Confederated Salish and Kootenai Tribes regarding extending the deadline for filing their water right claims with the Montana Water Court and with providing the means to complete the compact negotiations.

Hungry Horse Water Activities - Mr. Mueller stated that the Reserved Water Rights Compact Commission will hear a presentation from the US Bureau of Reclamation regarding Hungry Horse modeling at the September negotiating session.

Prior Appropriation Paper Printing - Mr. Mueller reported that on August 12, he met with DNRC's Martha Hodder to discuss her work on the prior appropriation paper. She is preparing a layout that will contain pictures. She will also obtain printing price estimates.

Value of Water Study - Marc Spratt reported that the study was not be obligated prior to the end of the fiscal year, so it will not be conducted. Rich Moy said that studies have been conducted that address this topic. Mr. Mueller will attempt to arrange a presentation about this topic at the October Task Force meeting.

August 12 & 13, 2008 Water Policy Interim Committee (WPIC) Meeting - Mr. Mueller attended the meeting on August 12 and spoke on behalf the Task Force recommending an extension of the Reserved Water Rights Compact Commission beyond its current sunset date, June 30, 2009, and creation of a permanent interim water policy committee. The WPIC opted not to support an extension of the Compact Commission although several of its members stated that they will support a bill to do so. It also agreed to request a permanent interim committee so long as doing so would not duplicate EQC actions. The WPIC took the following tentative actions on the bills it is considering. Support at this meeting meant that the WPIC will continue to consider the bill for final action at its September meeting. The WPIC rules require a three-fourths vote to recommend a bill to the next session as a committee bill.

- LC5007, Data Study Through MBMG - Unanimous support.
- LC5009, Discharge Permits Required - Unanimous support.
- LC5012, Water Right for Aquatic Resource Activities Carried out by MDT - Support with one no vote.
- LC5014, Public Water and Sewer - Support with two no votes.
- LC5015, Revolving Fund - Unanimous support.
- LC5019, Subdivision Water Systems - Dropped from further consideration.
- LC5020, Preliminary DNRC Water Right Determinations - Support with one no vote.
- LC5021, Revises Enforcement Laws - Unanimous support.

Also, WPIC discussed, but did not take action on three new bills:

- LC5022, Community Water and Sewer Systems - Allows counties to require community water and sewer systems for subdivisions with 30 or more lots.
- LC5023, Sustainable Development Program - Creates a program to provide loans for public water and sewer systems.

- LC5024, Renewable Grant and Loan Program Applicable to New Public Water and Sewer Systems - Clarifies that the existing Renewable Grant and Loan Program can include new public water and sewer systems.

FY 2009 Conference Planning

The Task Force agreed to hold two conferences during FY 2009, a basin watershed group roundtable in May 2009 and a technical conference in June 2009. The UM Department of Geography will again partner with the Task Force in convening the conferences. David Shively will attempt to reserve space in the University Center for both.

Watershed Roundtable - This conference will build on Mary Sexton's idea for gathering together all of the basin's watershed groups to discuss their current and future activities. The meeting would last one day. The morning would be devoted to breakout sessions in which groups active in the same sub-basin would meet together to discuss their present and future activities, and the afternoon would consist of a plenary session. Mr. Mueller will develop a survey to be sent to the watershed groups prior to the conference. Next steps will include identifying the active basin watershed groups and contacting them to see if they would be interested in participating.

Technical Conference - The focus of this meeting will be conjunctive management of surface and ground water. It will attempt to facilitate an exchange between DNRC and the technical community regarding ground water permitting under HB 831. The conference should be a day and a half. Specific agenda items suggested included the Montana Bureau of Mines and Geology case study under HB 831, the DNRC 633 pump test form, and role playing reversing the normal roles of the DNRC and the technical community. DNRC would play the role of an applicant and the technical community would review the application. Marc Spratt, Brianna Randall and David Shively will serve along with Mr. Mueller as the conference planning committee.

Low Flows, Hot Trout: Climate Change in the Clark Fork Watershed

Brianna Randall, Water Policy and Grants Director for the Clark Fork Coalition, summarized the report published by the Coalition entitled *Low Flows, Hot Trout: Climate Change in the Clark Fork Watershed*. The purpose of this report is to document how the basin's climate is changing, not to determine the cause of the changes, and to stimulate a discussion about what might be done to respond to these changes. The Coalition and two other organizations, Western Progress and the National Wildlife Federation, will convene a conference entitled "Headwaters Summit 2008: Re-visioning How We Use Water in a Changing Climate" on September 15-17, 2008 at the University of Montana in Missoula.

Key climate related finding from the report include:

- Average annual temperatures in the three largest basin cities, Missoula, Kalispell and Butte, have increased over the 1950 - 2006 period.
- Minimum temperatures over this period have increased more than maximum temperatures.
- The growing season has lengthened in much of the basin.
- Annual precipitation has increased at the three cities over the 1950 - 2006 period.
- Snowfall has decreased at Missoula and Kalispell and remained about the same at Butte.
- Runoff is occurring earlier.
- The number of basin acres burned by of wildlife fires is likely to increase.
- The water temperature of basin rivers and streams has increased from 1995 to 2007, causing a shift in trout species from bull and rainbow trout to brown trout.
- Native vegetation is likely to retreat uphill as temperatures increase.

Question - Is water use and recreation connected to temperature?

Answer - Yes, the increasing temperature is causing a cascade of effects. Less snow and earlier melting is reducing late summer stream flows.

Comment - We have not been accounting for the accumulation of new growth in the forests. In the pre-Civil War through 1910 period, there were a lot of fires that controlled new growth.

Comment - The infestation of bark beetles is increasing, in part because warmer temperatures allow for two life cycles rather than one.

Comment - We need to think more about how, where, and why we use water in light of increased population growth and changes to the basin climate.

Comment - Since the construction of the upper basin dams, annual flows in the Clark Fork have not decreased; they have increased. Well drillers are also pulling water from deep aquifers and adding to stream flows.

Comment - Even in this year with the increased snowfall and lower temperatures, local water shortages still occurred. We will have to manage for bottlenecks.

Comment - Planning is often based on rules rooted in climate such as 100-year flood plains and hydropower critical periods. These values are calculated from the climate record, but their statistical validity depends on a stable climate. If the climate is changing, the 100-year flood plain is not what we think it is.

Comment - Assessing climate change is dependent on the period over which data are being analyzed. Over the last three hundred years, we have seen only a one degree increase in temperature. The increase appears larger if we look at just more recent data.

Task Force Work Plan

Task Force members identified the following topics for its work plan this fiscal year.

- State of basin water infrastructure.
- Value of water - survey existing reports and studies.
- Look at how water is being used in wells and septic systems.
- The Flathead TMDL and how it might affect water allocation.
- Ground and surface water interactions and their affect on water allocation.
- The role of return flows in water allocation.

Public Comment

There was no additional public comment.

Next Meeting

The next meeting is scheduled for 9:30 a.m. on Monday, October 6, 2008 at the offices of Mountain Water Company.